

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA  
COURT ROOM NUMBER 6  
AND  
THROUGH VIDEO CONFERENCING, LAS VEGAS COURTROOM 3A**

**WEDNESDAY, OCTOBER 6, 2010**

In re:

**USA COMMERCIAL MORTGAGE**

**2:07-cv-892-RCJ-GWF**

Member Cases:

3:07-cv-0241-RCJ-GWF

2:07-cv-1133-RCJ-GWF

2:07-cv-0894-RCJ-GWF

2:08-cv-1389-RCJ-GWF

In re:

**ASSET RESOLUTION, LLC**

**BK-S-09-32824-RCJ**

(Jointly Administered under)

BK-S-09-32831-RCJ

BK-S-09-32839-RCJ

BK-S-09-32843-RCJ

BK-S-09-32844-RCJ

BK-S-09-32846-RCJ

BK-S-09-32849-RCJ

BK-S-09-32851-RCJ

BK-S-09-32853-RCJ

BK-S-09-32868-RCJ

BK-S-09-32873-RCJ

BK-S-09-32875-RCJ

BK-S-09-32878-RCJ

BK-S-09-32880-RCJ

BK-S-09-32882-RCJ

PRESENT:

THE HONORABLE ROBERT C. JONES, U.S. DISTRICT JUDGE

DEPUTY CLERK: LESA ETTINGER COURT REPORTER: MARGARET GRIENER

**MINUTES OF PROCEEDINGS**

**In re: Asset Resolution, LLC      BK-S-09-32824**

**ORAL ARGUMENT RE:**

[1040] Motion to dismiss Bankruptcy Case (Fiesta Stoneridge LLC), continued from August 13, 2010 hearing; and [1174] Objection to Movants' Proposed Form of Order Pursuant to Local Rule 9021(b)

[1148] Katherine M. Windler and Bryan Cave LLP's Motion to Withdraw as Counsel for Defendant Asset Resolution LLC.;

[1186] Trustee's Application to Employ Michael D. Reiner and his Professionals as Loan Servicing Consultants.

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**In re: USA COMMERCIAL 2:07-cv-892 - RCJ-GWF**

**ORAL ARGUMENT RE:**

[1760] Motion to Set Aside Default Against Defendants Compass USA SPE LLC., and Motion for Reconsideration of Denial of Motion Seeking to set aside Default Boris Piskun and David Blatt;

[1825] Motion for Magistrate Judge to Reconsider Magistrate Judge Order #1821 Order on Motion for District Judge to Reconsider Order.

[1861] Katherine M. Windler and Bryan Cave LLP's Motion to Withdraw as Counsel for Defendant Asset Resolution LLC.

AND

Pretrial Conference - Re: Joint Pretrial Order

Court convenes at 10:37 a.m. Appearance of counsel are noted in Reno: Janet Chubb, Jonathan Dabbieri, Melanie Ells, Daniel Hayward, Dean Kirby, Francis Majorie, Rob Millimet, Lisa Rasmussen and Dean Walt. Counsel appearing in Las Vegas: Jim Hill and Lars Evensen. Counsel appearing telephonically: McAlan Duncan and Vicky Running.

Preliminarily, Mr. Dabbieri addresses the Court with respect to the Notice of Withdrawal of [1186] Trustee's Application to Employ Michael D. Reiner and his Professionals as Loan Servicing Consultants.

The Court then makes inquiry and hears arguments of counsel regarding their respective positions as to the subject motions. Having heard from the parties and for reasons set forth on the record, the Court makes the following rulings:

**In re: Asset Resolution:**

[1148] Katherine M. Windler and Bryan Cave LLP's Motion to Withdraw as Counsel for Defendant Asset Resolution LLC., is GRANTED. *Counsel shall prepare and submit a proposed order in accordance with the Court's ruling.*

[1040] Motion to dismiss Bankruptcy Case (Fiesta Stoneridge LLC), and [1174] Objection to Movants' Proposed Form of Order Pursuant to Local Rule 9021(b), the prior ruling of the Court stands. The Court directs Mr. Kirby and Mr. Walt to individually prepare and submit a revised proposed order for the Court's consideration.

[1186] Trustee's Application to Employ Michael D. Reiner and his Professionals as Loan Servicing Consultants, is deemed MOOT by the Court, and therefore withdrawn.

**In re: USA Commercial Mortgage:**

[1760] Motion to Set Aside Default Against Defendants Compass USA SPE LLC., is DENIED. *Counsel shall prepare and submit a proposed order in accordance with the Court's ruling.* With respect to the Motion for Reconsideration of Denial of Motion Seeking to set aside Default Boris Piskun and David Blatt, the Court previously ruled upon this motion and entered its Order on June 9, 2010. Therefore, the motion is deemed MOOT by the Court.

[1825] Motion for Magistrate Judge to Reconsider Magistrate Judge Order #1821 Order on Motion for District Judge to Reconsider Order, is GRANTED. *Counsel shall prepare and submit a proposed order in accordance with the Court's ruling.*

[1861] Katherine M. Windler and Bryan Cave LLP's Motion to Withdraw as Counsel for Defendant Asset Resolution LLC., is GRANTED. *Counsel shall prepare and submit a proposed order in accordance with the Court's ruling.*

In re: USA Commercial Mortgage

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In re: Asset Resolution, LLC

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Next, the Court hears representations of counsel with respect to the proposed joint pretrial order, and other pretrial matters. Mr. Majorie presents to the Court a "Working Verison of the Joint Pretrial Order" binder that he prepared. Discussion is then held with what will and will not be allowed during the course of trial. The parties are directed to prepare and submit a finalized proposed joint pretrial order in accordance with the Court's rulings.

Following pretrial discussion, further issues are raised to the Court with respect to pending motions, and other related matters. For reasons stated on the record, the Court makes the following rulings:

[1716] Motion to Unseal CR 31 is GRANTED. *Counsel shall prepare and submit a proposed order in accordance with the Court's ruling.*

[1840] Silar and Asset Resolution's Motion to Reconsider and/or to Certify Certain Rulings Made by the Court on June 9, 2010 (Docs #1819 and #1820) and [1841] Silar's Motion to Reconsider and/or to Certify the Principal/Agent Rulings Made by the Court on June 9, 2010 (Docs #1820), the prior ruling of the Court stands. *Written Order of the Court will issue.*

The Court then sets the following hearing dates:

Oral Argument RE: [1216] Motion to Strike Plaintiffs' "Discounted Pay-Off" Claims is scheduled for Wednesday, 10/20/2010 at 10:30 a.m. in Las Vegas Courtroom TBD before Judge Robert C. Jones and through video conference in Reno Courtroom Number 6. ***Counsel shall note the change in hearing time from that given in open Court.***

Evidentiary Hearing RE: [1811] Motion for Order to Show Cause Why Silar and Its Principals Should Not be Held in Contempt of Court Re: \$950,459.83 and [1822] Motion for Order to Show Cause Why Silar and Its Principals Should Not be Held in Contempt of Court Re: \$375,112.43, is scheduled for Monday, 2/7/2011 at 9:00 a.m. in Reno Courtroom Number 6 before Judge Robert C. Jones. The parties estimate the evidentiary hearing to take five days.

Oral Argument RE: [1747] Motion in Limine in connection with Rule 55 (b)(2) Damages Adjudication and Motion for Clarification of Defendants' Degree of Participation During Trial in Light of Entry of Default, [1754] Motion to Strike or to Limit Opinions of Plaintiffs Expert Witness, Mr. Jeremy Aguero, Regarding Plaintiffs Alleged damaged, will be heard in conjunction with the Pretrial Conference/Calendar Call on Monday, 11/8/2010 at 8:30 a.m. in Reno Courtroom 6 before Judge Robert C. Jones. The following trial documents shall be submitted in accordance with this Court's Order Regarding Trial not later than 5:00 p.m. on 11/5/2010: Exhibit List; Proposed Findings of Facts and Conclusions of Law; Proposed Jury Instructions; Proposed Voir Dire; Trial Briefs. The original and two copies of pre-marked Trial Exhibits shall be submitted to the clerk on the morning of the first day of trial.

Finally, the Court confirms with counsel the current trial setting of 11/16/2010 at 8:30 a.m. in Reno Courtroom 6 before Judge Robert C. Jones.

Court adjourns at 12:37 p.m.

LANCE S. WILSON, CLERK

By: /s/  
Deputy Clerk